(1) (9)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)
W.P. No.3594 /2005

PETITIONER : 1. Girish Chandra Shrivastava, 42, S/o. Late Shri C. P. Shrivastava, Occupation: Service, Presently working as Investigator, Chhattisgarh Rajya Krishi Vipnan (Mandi) Board, Raipur, District Raipur, Chhattisgarh, R/o. A-18, Ravi Nagar, Raipur, District Raipur, Chhattisgarh

2. Vakil Singh aged about 37 years, S/o. Shri Kalpnath Singh, Occupation: Service, Presently working as Investigator, Chhattisgarh Rajya Krishi Vipnan (Mandi) Board, Bilaspur, District Bilaspur, Chhattisgarh, R/o. In front of Ankit Vidya Mandir, Jabdapara, Bilaspur, District Bilaspur, Chhattisgarh

P.S.Bo... 3690/05 ... Presented by Shri S.K. Patel ... dated 19/5/05

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through: The Secretary, Government of Chhattisgarh Department of Agriculture, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh

2. Chhattisgarh Rajya Krishi Vipnan (Mandi) Board, Raipur, Through: Its Managing Director, Chhattisgarh Rajya Krishi Vipnan (Mandi) Board, Purani Ganj Mandi Parisar, Raipur, Chhattisgarh

~~2~~ (5)

3. Madhya Pradesh Rajya Krishi Vipnan (Mandi) Board, Bhopal, Through: Its Managing Director, Madhya Pradesh Rajya Krishi Vipnan (Mandi) Board, Bhopal 26, Arera Hills, Kisan Bhawan, Jail Road, Bhopal (MP)

4. The Deputy Director, Chhattisgarh Rajya Krishi Vipnan (Mandi) Board, Raipur, District Raipur, Chhattisgarh

5. The Deputy Director, Chhattisgarh Rajya Krishi Vipnan (Mandi) Board, Bilaspur, District Bilaspur, Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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(93)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. Nos. 3594/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	12.9.2005 Petitioners by Shri Manindra Shrivastava, Senior Advocate with Miss Sharmila Singhai, Advocate. Respondents by Shri Prashant Mishra, Senior Advocate and Additional Advocate General with Shri Vivek Sharma, Panel lawyer. Heard. Learned counsel for the petitioner submits that the petitioner No.1 was appointed as Investigator on 29.8.1989 and the petitioner No.2 was appointed as Investigator on 7.12.1991 on daily wages. The petitioner No.2 was regularized in the year 1993. Thereafter the petitioners were continued in service as Investigators till 18.8.1998 when the post of Investigator was abolished and the service of the petitioners were merged at the post of Assistant Grade-III in the services of Respondent/Board. By order dated 29.12.2001 the then Managing Director, Chhattisgarh Rajya Krishi Vipdan Board revived the post of Investigator and Junior Statistical Assistant at the pay scale	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. 3594/05

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of Rs. 4000-6000. As a result the petitioners were absorbed as Assistant Grade-III w.e.f. 13.7.1998. The petitioners continued to work till the petitioners were again sent back to the post of Assistant Grade-III by order dated 25th July, 2005 (Annexure P/1) passed by the Respondent No.2.

The petitioners submit that the impugned order dated 25th July, 2005 and 27th July, 2005 (Annexures P/1, P/2 and P/3) have been passed without following the principles of natural justice as such the same deserves to be quashed.

Shri Prashant Mishra, learned Senior Advocate and Additional Advocate General appearing for the respondents submits that admittedly, no notice was given to the petitioners but there is no infirmity in the orders because several other persons who were working as Investigators have been reverted and posted as Assistant Grade-III w.e.f. July, 1998.

However, learned counsel for the respondents further submits that the petitioners will be given opportunity of

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 3594/05

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

hearing and their cases will be considered after issue of show cause notice to them and after filing of reply by them.

Admittedly, the petitioners have worked as Investigators from December, 2001 till July, 2005. The petitioners have acquired legal rights as such their rights cannot be infringed or taken away in fair play without affording an opportunity of hearing.

In view of the foregoing, the petition is allowed and the impugned orders dated 25th and 27th July, 2005 (Annexures P/1, P/2 and P/3) are quashed. The respondents are at liberty to take appropriate steps by issuing show cause notice to the petitioners and after considering their reply/representation to pass appropriate orders. There shall be no order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

19.9.05

19.9.05